

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS**

FIDELITY AND GUARANTY INSURANCE
COMPANY,

Plaintiff,

v.

STAR EQUIPMENT CORPORATION,
CHARLENE B. FORAN, JOHN J. FORAN,
and TOWN OF SEEKONK,

Defendants.

CIVIL ACTION NO. 04-10250-EFH

MOTION TO CONTINUE INITIAL SCHEDULING CONFERENCE

The plaintiff, Fidelity and Guaranty Insurance Company ("F&G"), respectfully moves this Honorable Court to continue the Initial Scheduling Conference in this matter that is currently scheduled for May 12, 2004 for a period of thirty days. As grounds for this Motion, F&G states as follows:

1. This action was commenced by F&G seeking a declaration regarding the respective rights of F&G and the defendants, Star Equipment Corporation ("Star"), Charelene B. Foran, John J. Forans and the Town of Seekonk ("Seekonk") under a surety performance bond that F&G issued relative to a project in Seekonk, Massachusetts involving the installation of replacement water-mains and appurtenant work.
2. The Initial Scheduling Conference is currently scheduled for May 12, 2004.
3. The defendants have requested, and F&G has granted, extensions to file their respective answers in this action. Therefore, none of the defendants have appeared or answered in this case to date.

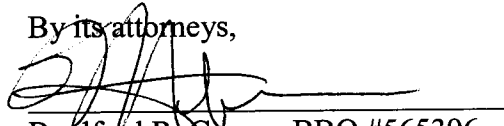
4. Also, F&G understands that the defendants, Star and Seekonk, have engaged in negotiations regarding this matter and F&G believes that continuing the Initial Scheduling Conference will allow the parties to continue those settlement discussions.

WHEREFORE, the plaintiff, Fidelity and Guaranty Insurance Company, respectfully moves this Honorable Court to continue the May 12, 2004 Initial Scheduling Conference for a period of thirty days.

Respectfully submitted,

FIDELITY & GUARANTY INSURANCE
COMPANY,

By its attorneys,

A handwritten signature in black ink, appearing to be "Bradford R. Carver", is written over a horizontal line.

Bradford R. Carver, BBO #565396

Eric H. Loeffler, BBO#641289

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